
Public Notice

Applicant:
Cattaraugus
Department of Public Works

Date:
County Published: June 27, 2002
Expires: July 26, 2002

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 98-973-0032(2) Section: NY 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Cattaraugus County Department of Public Works, 8810 Route 242, Little Valley, New York 14755, proposes the realignment of County Route 6; the removal of Leon bridges 9 and 10; and the replacement of Leon bridge 11; the replacement of Leon culvert 12 and 13; and the realignment of a portion of Mud Creek. This project is located on County Route 6, in the Town of Leon, Cattaraugus County, New York.

The project consists of the following:

- a. The realignment and reconstruction of 2,750 linear feet of County Road 6. This will entail the removal of bridges number 9 and 10; the replacement of bridge number 11; the replacement of culverts number 12 and 13; and the realignment of approximately 750 linear feet of the existing stream channel of Mud Creek via the excavation of a new channel measuring approximately 490 linear feet.
- b. Leon bridge number 9 will be removed and will be replaced with a 100 linear foot, 36" diameter smooth interior HDPE pipe. This will entail the addition of approximately 900 cubic yards of fill material, into the existing stream, at this location.
- c. Leon bridge number 10 will be removed and will not be replaced. No pipe will be added at this location and the existing stream channel will be completely filled in at this location with approximately 900 cubic yards of fill material.
- d. Leon bridge number 11, culvert number 12, and culvert number 13 will be straight replacements and will not involve the placement of a additional fill material into waters of the United States.
- e. The excavation of the new stream channel will require the removal of approximately 28,000 cubic yards of material. The excavated material will be hauled off site and incorporated into future county highway improvement projects.
- f. The original channel will be sealed, where it mates with the original channel. Approximately 50 cubic yards of a large stone fill will be added to each of these two locations.

g. The remainder of the original creek channel will not be filled and shall remain as an overflow channel.

h. As mitigation for unavoidable, secondary impacts, to 750 linear feet of Mud Creek stream channel, the applicant proposes the enhancement of the constructed stretch of channel. The applicant will create gravel pools and riffles in the new reach in order to improve fish spawning habitat. The applicant also proposes plantings along the banks of the new stream channel to provide shade, and again improve fish spawning habitat in this section of the stream.

i. The proposed channel will be excavated from upland, in the dry. Once complete, the new channel will be flooded. The applicant's stated purpose is to reconstruct this section of road to improve driver safety (via the reduction in the radius of curvature) and to lower future maintenance needs (via the elimination of two existing bridges).

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Joseph W. Krawczyk, who can be contacted by calling (716) 879-4186, or by e-mail at: joseph.w.krawczyk@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Joseph W. Krawczyk, or by e-mail at: joseph.w.krawczyk@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to

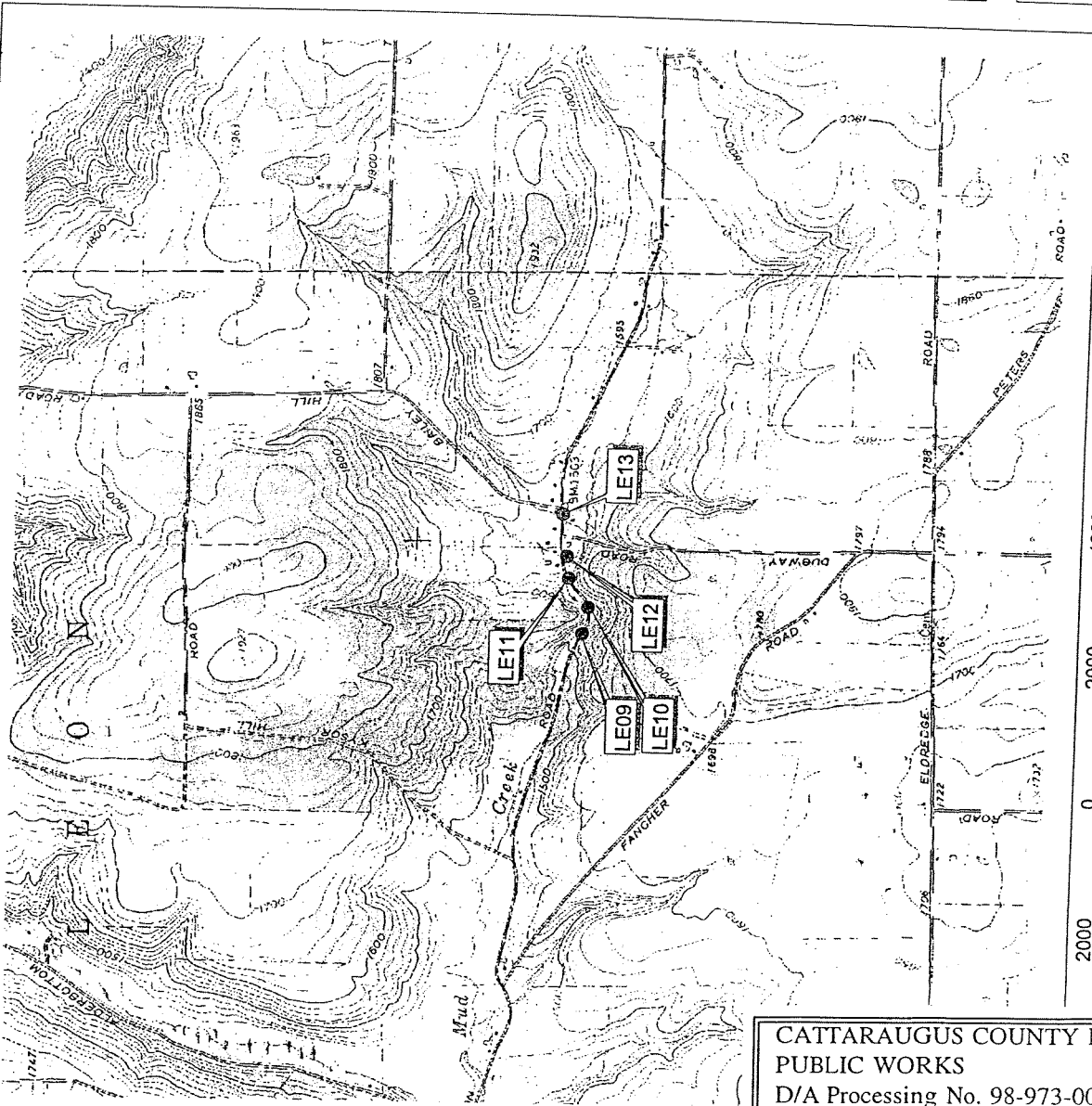
make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

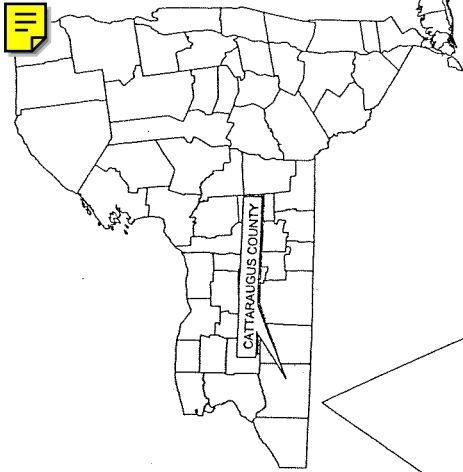
The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

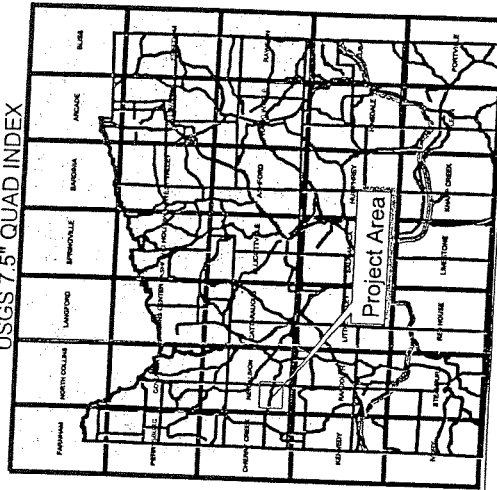
NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for days from 30 days from the date of issuance.



CATTARAUGUS COUNTY DEPARTMENT OF
PUBLIC WORKS
D/A Processing No. 98-973-0032(2)
Cattaraugus County, New York Quad: NEW
ALBION
Sheet 1 of 4

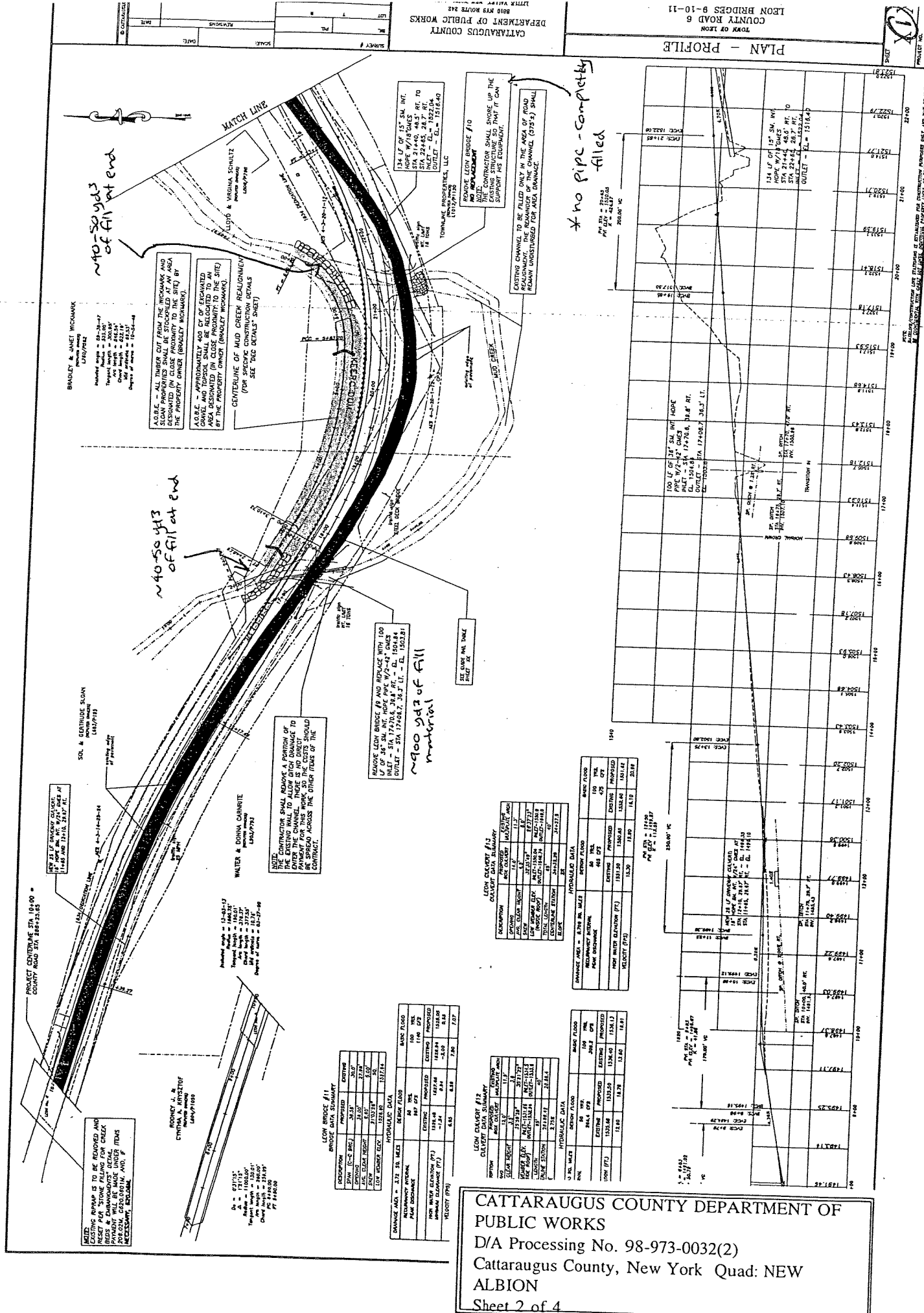


USGS 7.5" QUAD INDEX

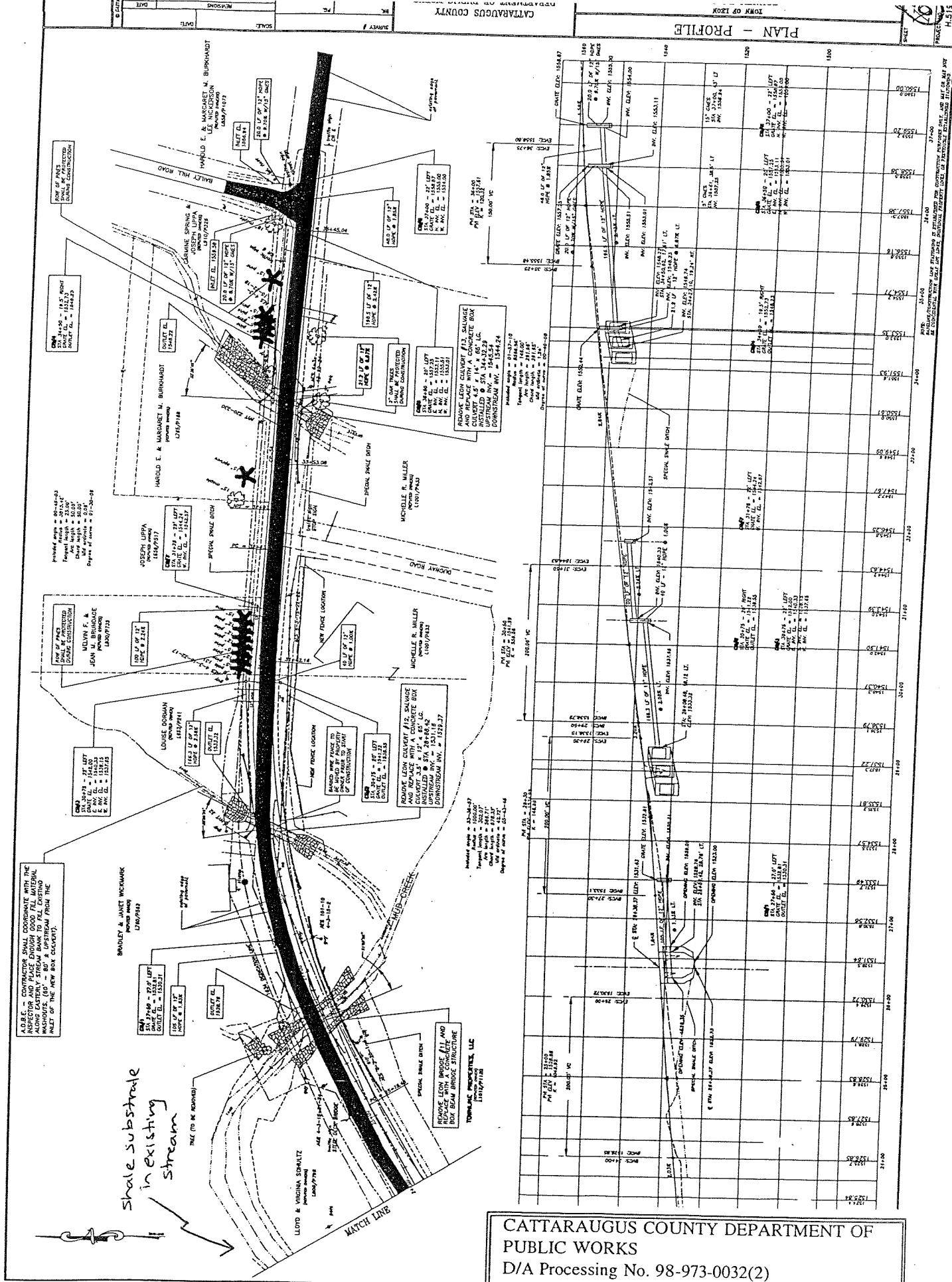


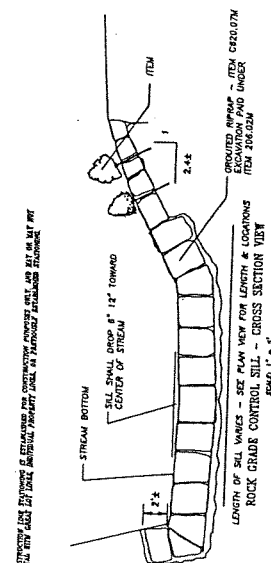
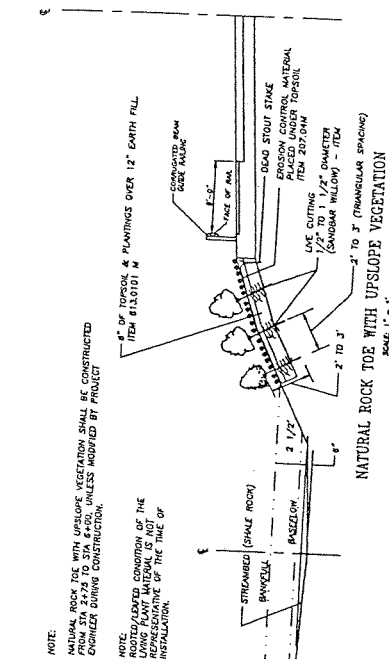
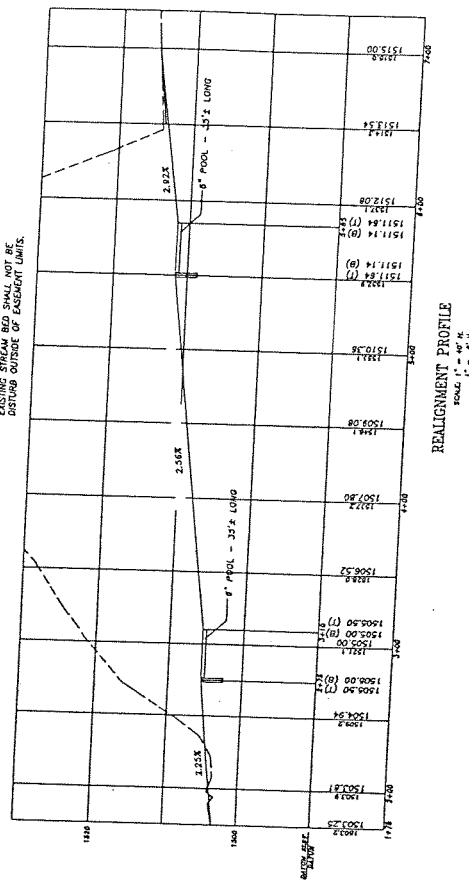
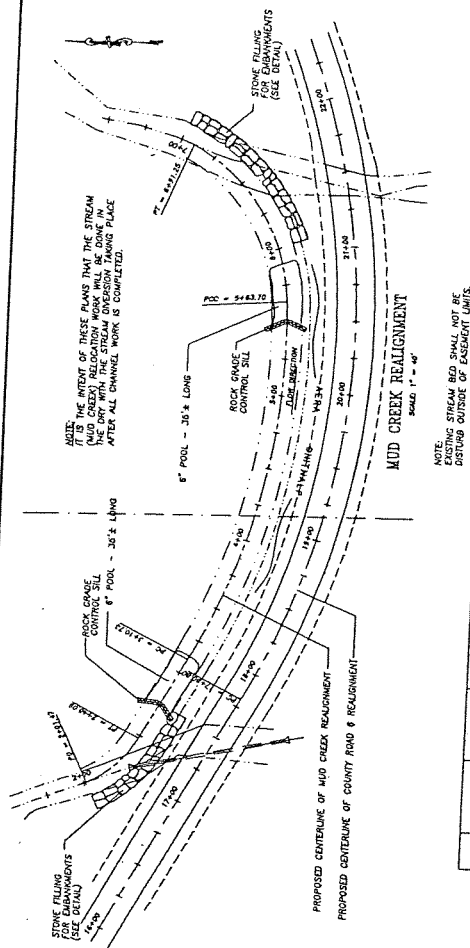
Leon 9, 10, 11, 12, & 13 Project Area
NEW ALBION USGS 7.5' QUAD

Cattaraugus County - DPW
C.Gross - 01/09/02
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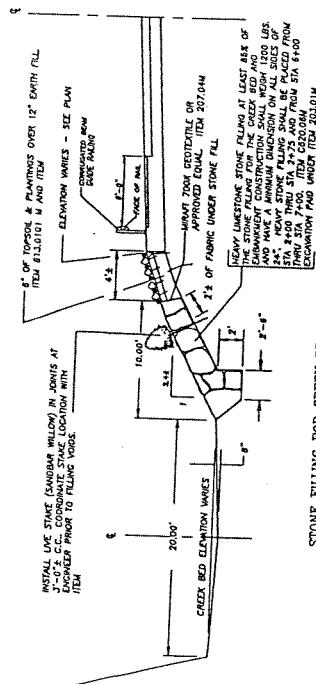
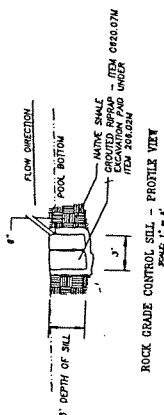


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Sheet 2 of 4





- NOTES:
1. INSTALL V-SHAPED SILLS UPSTREAM TO CONCENTRATE FLOW TO CENTER OF STREAM (NOTED THAT FLOWS PIVOTED AROUND SOME SILLS)
 2. INSTALL SINGLE LARGE DIRT RACK AT LOWEST POINT IN CENTERLINE OF SILL
 3. ARRANGE ROCKS SUCH THAT THERE ARE NO DOWNDROPS OR THROUGH SILL
 4. ROCK GRADATION - THE RIPRAP SHOULD HAVE A MAXIMUM WEIGHT OF 1200 LBS. AND HAVE ONE DIMENSION OF 3 FT.
 5. ENDS OF THE RIPRAP WILL BE USED WITH A STEEPER BANK, WHEN THROWN INTO OTHER STRUCTURES, LARGER STONES CAN BE LAID IN STEPS OR SHALLOWS AS NEEDED TO FIT. THE STONES WILL BE SET INTO A BED OF WET CONCRETE AND THE REMAINDER OF THE TRENCH WILL BE FILLED WITH CONCRETE.



- STONE FILING NOTES:
1. SLOPE SHALL BE GRADUED TO 1:2 ON FLATTER PRIOR TO PLACING FILTER FABRIC OR STONE FILLING.
 2. STONE FILLING WILL BE PLACED TO MAINTAIN A UNIFORM GRADATION. LARGER STONE SHOULD BE PLACED IN THE TOE.
 3. GAPS BETWEEN STONES ARE TO BE FILLED WITH CHUNK STONE. SMALL VEGES ALONG THE WATERLINE ARE TO BE REMOVED.
 4. ENDS OF STONE FILLING WILL BE RECTED INTO A STABLE BANK. WHEN THIN TO OTHER STRUCTURES, FASTER SETTING CAN BE LAID IN STRIPS OR STACKED AS NEEDED TO FIT.
 5. REMAINING DISTURBED AREAS WILL BE GRADUED AND PERMANENTLY RESEED AND MULCHED.